



OFFICE OF THE ATTORNEY GENERAL OF TEXAS
AUSTIN

6-5-836
GROVER SELLERS
ATTORNEY GENERAL

Honorable M. A. Jamison
Deputy Commissioner
Banking Department
Austin, Texas

Dear Mr. Jamison:

Opinion No. 0-8836

Re: Construction of Article 10,
Chapter VII of the Texas Bank-
ing Code with respect to payment
of a minor's deposit upon his
death.

We have your inquiry as follows:

"A question has arisen regarding the construction of Article 10, Chapter VII of the Texas Banking Code of 1943, as it pertains to a transaction involving a joint deposit and survivorship contract which involves a minor.

"The question is: Could a bank rely on the language of Article 10, Chapter VII as its protection in the payment of an amount to an adult under the terms of a joint deposit and survivorship contract, the minor being deceased?"

Article 10, Chapter VII, of the Texas Banking Code of 1943, is as follows:

"A bank may pay a present or future deposit, payable to or on the order of (a) any one of two or more persons, or (b) a minor, married woman, or other person under disability, or in form payable to or on the order of one person, for the benefit of or in trust for another, without the terms of the trust

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being disclosed to the bank in writing, to any one of such joint depositors (before or after the death of the other joint depositor or depositors), or to such minor, married woman, or other person under disability, or, on the death or disability of the trustee, to the beneficiary of such trust."

An analysis of this Article shows that it authorizes a bank to make payment from the following deposit accounts, and to make such payment to the persons named.

The bank may pay from a deposit payable to, or on the order of,

- (a) Anyone of two or more persons;
- (b) A minor * * * or any other person under disability; or,
- (c) Of trust for another (without the terms of the trust being disclosed in writing).

Such deposits are authorized to be paid to:

- (a) Anyone of such joint depositors;
- (b) Such minor * * * or other person under disability; or,
- (c) The beneficiary of such trust, upon the death or disability of the trustee.

Your question is answered in the affirmative. Such a deposit is a joint deposit, and therefore within (a) in both factors of the above analysis. The fact that one of such joint depositors is a minor does not bring your case within (b) since that deals with deposits by minors, married women, and other incompetents.

FEB 9, 1944

Very truly yours

ATTORNEY GENERAL OF TEXAS

TEXAS BY

Ocie Speer
Assistant

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